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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO. 421 OF 2022
WITH
CRIMINAL APPLICATION NO. 422 OF 2022
WITH
CRIMINAL APPLICATION NO. 425 OF 2022
WITH
CRIMINAL APPLICATION NO. 426 OF 2022**

Nitin Nagarji Mehta ... Applicant
Versus
State of Maharashtra ... Respondent

Mr. Narayanganesh M. Nadar for the Applicant.
Ms. Anamika Malhotra, APP for the State in APL/421/2022 and APL/425/2022.
Mr. S R. Aagarkar, APP for the State in APL/422/2022 and APL/426/2022.

**CORAM: N. J. JAMADAR, J.
DATE : 25th APRIL, 2022**

P.C. :-

1. Heard learned counsel for the applicant and learned APP for the State.
2. Applicant has invoked inherent jurisdiction of this Court as the learned Magistrate has issued non-bailable warrant against the applicant-accused for non appearing before the Court and also rejected the prayer made by the applicant to recall the non-bailable warrant, by order dated 23rd October, 2021.
3. It seems that when the application for recalling the warrant was

filed, the applicant-accused did not appear before the learned Magistrate and considering the pendency of the proceedings and the non appearance of the applicant in the past, learned Magistrate was persuaded to reject the application.

4. The learned counsel for the applicant submits that the applicant is willing to appear before the Magistrate and co-operate in the expeditious disposal of the case. The learned counsel further submits that the applicant may be given liberty to make a fresh application for recalling of warrant before the learned Magistrate. The statement on behalf of the applicant is accepted.

5. In the circumstances of the case, it would be expedient to allow the applicant to appear before the learned Magistrate and file an application for recalling the non-bailable warrant. Ordered accordingly.

6. If the applicant appears before the learned Magistrate and makes such application, the learned Magistrate shall consider the same, keeping in view the statement made on behalf of the applicant that the applicant will regularly attend the proceedings before the learned Magistrate and co-operate in the expeditious disposal of the proceedings.

7. The applicant shall appear before the learned Magistrate on 5th May, 2022.

8. Applications stand disposed.

[N. J. JAMADAR, J.]